

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**EMILIO PINA-HERNANDEZ,**

**Defendant.**

**8:08CR385**

## ORDER

This matter is before the court on the defendant's motion to continue trial (Doc. 25). The court was advised that counsel for the United States is available for trial the week of February 23, 2009. For good cause shown, trial will be continued to Tuesday, February 24, 2009.

**IT IS ORDERED** that the motion is granted, as follows:

1. The jury trial now set for January 13, 2009 is continued to **Tuesday, February 24, 2009.**

2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **January 13, 2009 and February 24, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

**DATED January 8, 2009.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**